

Moore	Strauss
Morris	Taylor
Phillips	Tynan
Proffer	Vick

Absent

Shofner	Weinert
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Absent—Excused

Colson

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	McDonald
Carney	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick

Absent

Shofner	Weinert
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Absent—Excused

Colson

Senate Bill 117 on Second Reading

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 117, A bill to be entitled "An Act amending Article XX, Section 4 of House Bill 8, Chapter 184, Acts of the 47th Legislature, Regular Session, 1941, as amended, by changing subsection (4-a), added by H. B. 301, Acts of the 50th Legislature, Regular Session, 1947; providing for the transfer of certain funds to the Foundation School Fund created herein; repealing conflicting laws or parts of laws; containing a savings clause, and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

Adjournment

On motion of Senator Harris, the Senate at 12:10 o'clock p.m., adjourned until 11:00 o'clock a.m. tomorrow.

TWENTY-SEVENTH DAY

(Tuesday, March 1, 1949)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called and the following Senators were present:

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent

Carney

A quorum was announced present.

Reverend Frank Luker, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal approved.

(President in the Chair.)

Reports of Standing Committees

Senator Taylor submitted the following reports:

Austin, Texas,
February 28, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance to whom was referred S. B. No. 287, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

TAYLOR, Chairman.

Austin, Texas,
March 1, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 53, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass as amended.

TAYLOR, Chairman.

Austin, Texas,
March 1, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 255, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass.

TAYLOR, Chairman.

Austin, Texas,
March 1, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 259, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass.

TAYLOR, Chairman.

Austin, Texas,
March 1, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 237, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass as amended.

TAYLOR, Chairman.

Austin, Texas,
March 1, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 283, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass.

TAYLOR, Chairman.

Austin, Texas,
March 1, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 285, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass.

TAYLOR, Chairman.

Austin, Texas,
March 1, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred H. B. No. 202, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do not pass but that the Committee Substitute do pass in lieu thereof.

TAYLOR, Chairman.

C. S. H. B. No. 202 was read first time.

Austin, Texas,
March 1, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 308, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass.

TAYLOR, Chairman.

Senator Moffett submitted the following report:

Austin, Texas,
February 28, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred S. B. No. 7, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Chairman.

Senator Kelly of Tarrant submitted the following reports:

Austin, Texas,
February 28, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Ju-

dicial Districts, to whom was referred Senate Bill No. 286, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass, as amended, and be printed.

KELLY of Tarrant, Chairman.

Austin, Texas,
February 28, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred Senate Bill No. 184, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass, as amended, and be printed.

KELLY of Tarrant, Chairman.

Austin, Texas,
February 28, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred Senate Bill No. 305, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass.

KELLY of Tarrant, Chairman.

Austin, Texas,
February 28, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred Senate Bill No. 276, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do not pass, but that the Committee Substitute do pass in lieu thereof.

KELLY of Tarrant, Chairman.

C. S. S. B. No. 276 was read first time.

Senator Lane submitted the following reports:

Austin, Texas,
March 1, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 72, have had the same under consideration, and I am instructed to report it back to the Senate, with

the recommendation that it do not pass but that the Committee Substitute do pass in lieu thereof and be printed.

LANE, Chairman.

C. S. S. B. No. 72 was read first time.

Austin, Texas,
March 1, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 307, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
March 1, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 81, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do not pass but that the Committee Substitute as amended do pass in lieu thereof and be printed.

LANE, Chairman.

C. S. S. B. No. 81 was read first time.

Austin, Texas,
March 1, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 206, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
March 1, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 236, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do not pass.

LANE, Chairman.

Austin, Texas,
March 1, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 264, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
March 1, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 151, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be printed.

LANE, Chairman.

Austin, Texas,
March 1, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 105, have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass and be printed.

LANE, Chairman.

Senator Proffer submitted the following reports:

Austin, Texas,
March 1, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Education, to whom was referred Senate Bill No. 243, have had same under consideration and beg to report it back to the Senate with the recommendation that it do pass and be printed.

PROFFER, Chairman.

Austin, Texas,
March 1, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Education, to whom was referred Senate Bill No. 146, have had same under

consideration and beg to report it back to the Senate with the recommendation that it do pass and be printed.

PROFFER, Chairman.

Senator Jones submitted the following reports:

Austin, Texas,
March 1, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 310, have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass and be mimeographed.

JONES, Chairman.

Austin, Texas,
March 1, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 153, have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass and be mimeographed, as amended.

JONES, Chairman.

Austin, Texas,
March 1, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred S. B. No. 271, have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass and be mimeographed.

JONES, Chairman.

Austin, Texas,
March 1, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 106, have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass and be mimeographed.

JONES, Chairman.

Austin, Texas,
March 1, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred S. B. No. 217, have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass and be mimeographed.

JONES, Chairman.

Austin, Texas,
March 1, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Counties and County Boundaries, to whom was referred H. B. No. 331, have had same under consideration, and I am instructed to report it back to the Senate with the recommendations that it do pass and be mimeographed.

JONES, Chairman.

Senate Bills on First Reading

The following bills were introduced, read severally first time and referred to the committees indicated:

By Senator Corbin:

S. B. No. 313, A bill to be entitled "An Act amending Acts 1929, 41st Legislature, Page 406, Chapter 187 as amended by Acts 1931, 42nd Legislature, Page 745, Chapter 292, as amended by Acts 1947, 50th Legislature, Page 397, Chapter 225, increasing the number of Assistant District Attorneys in the 72nd Judicial District of Texas from One to Two and authorizing the payment to each Assistant of an annual salary of \$3,800.00 to be paid out of the General Revenue Fund of the State; and declaring an emergency."

To Committee on Finance.

By Senator Hudson:

S. B. No. 314, A bill to be entitled "An Act authorizing the Board of Regents of The University of Texas to fix the term of all surface leases on University lands, except right-of-way easements and grazing leases which shall be limited to not more than ten years; validating prior leases; and declaring an emergency."

To Committee on State Affairs.

By Senator Hudson:

S. B. No. 315, A bill to be entitled

"An Act to amend and re-enact Article 2597 of the Revised Civil Statutes of Texas of 1925 giving to the Board of Regents of The University of Texas exclusive authority to control, manage, and dispose of all minerals, other than oil and natural gas, in University lands; and declaring an emergency."

To Committee on State Affairs.

By Senators Proffer and Jones:

S. B. No. 316, A bill to be entitled "An Act creating the Texas Legislative Council; providing for the appointment of its members and for the filling of vacancies in its membership; prescribing its powers and duties; authorizing Members of the Legislature to attend meetings and to present their views; empowering the Council to summon witnesses; directing other State agencies to render advice and assistance to the Council; making an appropriation to pay the expense of the chairman, vice chairman, and members of the council and for salaries of its assistants and employees and other necessary expenses; declaring the invalidity of any part of this Act shall not invalidate the remainder thereof; and declaring an emergency."

To Committee on State Affairs.

By Senator Phillips:

S. B. No. 317, A bill to be entitled "An Act amending Section 6 of Chapter 125, Acts of the Regular Session, 45th Legislature, 1937, as amended in Section 1 of Chapter 40, Acts of the Regular Session of the 49th Legislature, 1945, page 58, so as to change the provision for active service for a period of twenty years in some regularly organized Fire Department to a provision requiring active service for a period of twenty years in one or more regularly organized Fire Departments; and declaring an emergency."

To Committee on State Affairs.

By Senator Tynan:

S. B. No. 318, A bill to be entitled "An Act authorizing the Commissioners Court of Bexar County, Texas to appoint a Coliseum Advisory Board for the operation and maintenance of the project known as the Agricultural and Livestock Exhibition Buildings and grounds, which were heretofore received by said County from the City of San Antonio; providing for the appointment of the members of said

Coliseum Advisory Board and their tenure of office, and the filling of any vacancies occurring therein; authorizing said Coliseum Advisory Board to operate, maintain, and promote said project, and to enter into any contract connected with or incident to the operation, maintenance, betterment and promotion of said project, including the right to lease any part thereof for any lawful purpose, and authority to employ a general manager and other necessary employees of the project, and with authority to receive and disburse and pay out all funds so received or set aside by such County for purposes connected with said project; providing for submission of annual proposed budget to the County; and providing that the board shall have authority to determine the manner of expending any and all funds that may be provided by the County to said project; and declaring an emergency."

To Committee on Counties and County Boundaries.

Senate Resolution 55

Senator Hazlewood offered the following resolution:

Whereas, E. A. Oberst of Canyon, and H. F. Axtell, of Kress, both of whom are long-time prominent residents of their respective communities, are visiting in the Capitol, observing the progress of the Senate; and

Whereas, The Senate is delighted to have these two outstanding citizens as our guests; therefore, be it

Resolved, By the Senate of Texas, that these two gentlemen be extended a cordial welcome to the State Capitol.

The resolution was read and was adopted.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 1, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 36, A bill to be entitled "An Act to amend Article 15 of House Bill 79, Chapter 97, page 127 of the General Laws passed at the

Regular Session of the 48th Legislature, and declaring an emergency."

H. B. No. 64, A bill to be entitled "An Act amending Chapter 2, Title 49, Revised Civil Statutes of Texas by adding a new Article to be designated Article 2615d, authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to establish an adjunct of the College in Kimble County, Texas, authorizing said Board to provide at the adjunct any services which conform to the leading object of the Agricultural and Mechanical College of Texas, including research; and declaring an emergency."

H. B. No. 127, A bill to be entitled "An Act providing for the creation, regulation and financing of Mosquito Control Districts in certain counties; providing that this Act shall be severable; and declaring an emergency."

H. B. No. 136, A bill to be entitled "An Act with respect to mortgages, deeds of trust, and other security instruments executed by corporations in this State of the class designated in the Act; and providing that filing for record of any mortgage, deed of trust, or other security instrument executed by a corporation of the class designated in this act subjecting after-acquired or future property to the lien thereof in the county or counties in which the property subject or to be subject thereto is situated shall constitute notice of the lien of such mortgage, deed of trust, or other security instrument as to after-acquired or future property acquired by such corporation in the county or counties in which such mortgage, deed of trust, or other security instrument is filed for record; and declaring an emergency."

H. B. No. 137, A bill to be entitled "An Act amending Article 3924 of the Revised Statutes of Texas, relating to fees and costs in the Courts of Civil Appeals; and declaring an emergency."

H. B. No. 179, A bill to be entitled "An Act to amend Article 8293 of the Revised Civil Statutes of Texas, and declaring an emergency."

H. B. No. 261, A bill to be entitled "An Act amending Article 2135 of Revised Civil Statutes of 1925 and subsequent amendments thereto, re-

lating to exemptions of jurors who are liable to jury services in district and county courts; and declaring an emergency."

H. B. No. 308, A bill to be entitled "An Act authorizing the County Judge to employ a stenographer or secretary in any county having a population of not more than twenty-seven thousand one hundred fifty (27,150) and not less than twenty-seven thousand fifty-nine (27,059) inhabitants according to the last preceding Federal Census; regulating the salary of same; providing for payment of salary; providing for removal; and declaring an emergency."

H. B. No. 311, A bill to be entitled "An Act to amend Acts 1941, 47th Legislature, Chapter 134, Section 1, page 187, and declaring an emergency."

H. B. No. 329, A bill to be entitled "An Act to authorize and empower the governing body of the Harris County Flood Control District to provide for and administer a retirement, disability and death compensation fund for the appointive officers and employees of the district, when it has been authorized by a majority vote of the district in an election held for the purpose; providing that the amount contributed by the district to such fund shall equal the amount paid for the same purpose from the income of each officer or employee, and providing that the amount shall not exceed at any time five per cent of the compensation paid by the district to each such person and employee, and in no event shall it exceed in any one year the sum of one hundred eighty dollars for any one such person; providing for the investment of such funds, and authorizing the governing body of the Harris County Flood Control District to provide rules and regulations governing retirement, disability and death compensation; and providing that the recipients of benefits of such fund shall not be eligible for any other pension retirement fund or direct aid from the State of Texas, unless the fund created hereunder is released to the State as a condition precedent to receiving such other aid; and declaring an emergency."

H. B. No. 339, A bill to be entitled "An Act fixing the salaries of the

County Tax Assessors and Collectors in certain counties; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 376, A bill to be entitled "An Act declaring open season on fox in Austin County and making it lawful to kill any number of fox in Austin County at any and all times; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 381, A bill to be entitled "An Act fixing the salaries of County Commissioners in certain counties; repealing all laws in conflict to the extent of the conflict; and declaring an emergency."

H. B. No. 414, A bill to be entitled "An Act providing that it shall be unlawful to kill deer and wild turkey in Coke County for a period of four (4) years from and after the passage of this Act; repealing all conflicting laws; providing a penalty; and declaring an emergency."

H. B. No. 418, A bill to be entitled "An Act to amend Article 2350, Revised Civil Statutes of Texas, 1926, as amended, relative to salaries of County Commissioners in certain counties; and declaring an emergency."

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Resolution 56

Senator Bracewell offered the following resolution:

Whereas, The students of the Government Class of the Katy High School are in the City of Austin and are now present in the Gallery of the Senate; and

Whereas, Said classes are accompanied by the sponsor and teacher, Mr. Theodore Lammert; and

Whereas, The Senate of the State of Texas desires to recognize their visit to Austin; now, therefore, be it

Resolved, By the Senate of Texas, that the students of the Government Class of Katy High School of Harris County and Mr. Theodore Lammert be officially welcomed to the State Capitol.

Resolved, That a copy of this Resolution be furnished the teacher, Mr. Theodore Lammert.

The resolution was read and was adopted.

Senate Resolution 57

Senator Phillips offered the following resolution:

Whereas, We are honored today to have in the gallery the Senior Class of the Santa Fe High School, accompanied by Mr. Cook and Mrs. Weed; and

Whereas, These students and guests are on an educational tour of the Capitol Building and the Capital City; now, therefore, be it

Resolved, That these individuals be officially welcomed and recognized by the Senate, and that they be extended the courtesies of the floor for the day, and that each member of this class be furnished with a copy of this resolution.

The resolution was read and was adopted.

Bill Ordered Not Printed

On motion of Senator Taylor and by unanimous consent, it was ordered that C. S. H. B. No. 202 be not printed.

**Committee Substitute
House Bill 202 on Second Reading**

On motion of Senator Taylor and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

C. S. H. B. No. 202, A bill to be entitled "An Act making appropriation for an increase in salaries of state officials and state employees etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

Pending consideration of the bill, Senator Strauss occupied the Chair temporarily.

(President in the Chair.)

**Committee Substitute
House Bill 202 on Third Reading**

Senator Taylor moved that the constitutional rule requiring bills to be read on three several days be suspended and that C. S. H. B. No. 202 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—30

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent

Carney

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—30

Aikin	Lane
Ashley	Lock
Bell	Martin
Bracewell	McDonald
Bullock	Moffett
Colson	Moore
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Shofner
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Kelly of Tarrant	Weinert

Absent

Carney

**Conference Committee on
House Bill 282**

Senator McDonald called up from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 282 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the

part of the Senate: Bell, Martin, Corbin, McDonald and Bracewell.

Presentation of Miss Inez Robb

The President presented Miss Inez Robb, "The Roving Reporter" for the International News Service, to the Senate.

Miss Robb then addressed the Senate briefly and thanked them for the honor bestowed upon her.

Senate Bill 287 on Second Reading

On motion of Senator Colson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. B. No. 287, A bill to be entitled "An Act to amend Article XX of House Bill No. 8, Chapter 184, Acts of the Regular Session of the Forty-seventh Legislature, as amended, by adding thereto a new subsection to be numbered (4-b); providing for the appropriation, allocation, and transfer of funds from the Clearance Fund to a fund to be known as the Farm-to-Market Road Fund of the State Highway Department of the State of Texas, in amount of \$1,250,000.00 per month beginning September 1, 1949, for construction of Farm-to-Market Roads; repealing all laws or parts of laws in conflict with the provisions of said act; providing a saving clause; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 287 on Third Reading

Senator Colson moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 287 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Jones
Ashley	Kelley of Hidalgo
Bell	Lane
Bullock	Lock
Carney	Martin
Colson	McDonald
Corbin	Moffett
Hardeman	Morris
Harris	Phillips
Hazlewood	Proffer
Hudson	Shofner

Strauss
Taylor
Tynan

Vick
Weinert

Nays—4

Bracewell
Cousins

Kelly of Tarrant
Moore

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

Senator Hardeman offered the following amendment to the bill:

Amend S. B. 287 by striking out the figures "\$1,250,000.00" and substitute the figures "\$2,500,000.00" in lieu thereof.

HARDEMAN,
HARRIS,
BELL,
HAZLEWOOD,
PROFFER.

The amendment was lost by the following vote:

Yeas—14

Aikin
Ashley
Bell
Bracewell
Corbin
Hardeman
Harris

Hazlewood
Kelley of Hidalgo
Martin
Moore
Phillips
Proffer
Strauss

Nays—16

Bullock
Colson
Cousins
Hudson
Jones
Kelly of Tarrant
Lane
Lock

McDonald
Moffett
Morris
Shofner
Taylor
Tynan
Vick
Weinert

Absent

Carney

Senator Cousins offered the following amendment to the bill:

Amend S. B. No. 287, Line 35, by striking out the words "and annually thereafter" and inserting the following: "for the following biennial."

The amendment was lost by the following vote:

Yeas—4

Bracewell
Cousins

Hazlewood
Kelly of Tarrant

Nays—24

Aikin	McDonald
Ashley	Moffett
Bell	Moore
Bullock	Morris
Colson	Phillips
Corbin	Proffer
Hardeman	Shofner
Hudson	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Lock	Vick
Martin	Weinert

Absent

Carney	Lane
Harris	

Senator Hardeman offered the following amendment to the bill:

Amend S. B. 287 by adding after the word "Department", line 55, the following: "and constructed by the State Highway Department."

**HARDEMAN
HAZLEWOOD
PROFFER**

The amendment was lost by the following vote:

Yeas—12

Aikin	Martin
Hardeman	McDonald
Harris	Morris
Hazlewood	Proffer
Jones	Strauss
Kelley of Hidalgo	Vick

Nays—17

Ashley	Lane
Bell	Lock
Bracewell	Moffett
Bullock	Moore
Colson	Phillips
Corbin	Taylor
Cousins	Tynan
Hudson	Weinert
Kelly of Tarrant	

Absent

Carney	Shofner
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Senator Vick offered the following amendment to the bill.

Amend Senate Bill 287 by adding a new section thereto as follows: "The State Highway Department shall pay all the costs of said farm-to-market roads, except the right-of-way."

The amendment was lost by the following vote:

Yeas—4

Aikin	Kelly of Tarrant
Bell	Vick

Nays—25

Ashley	Lock
Bracewell	Martin
Bullock	McDonald
Colson	Moffett
Corbin	Moore
Cousins	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Weinert
Lane	

Absent

Carney	Shofner
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S. B. No. 287 was passed by the following vote:

Yeas—26

Aikin	Lock
Ashley	Martin
Bell	McDonald
Bullock	Moffett
Colson	Moore
Corbin	Morris
Hardeman	Phillips
Harris	Proffer
Hazlewood	Strauss
Hudson	Taylor
Jones	Tynan
Kelley of Hidalgo	Vick
Lane	Weinert

Nays—3

Bracewell	Kelly of Tarrant
Cousins	

Absent

Carney	Shofner
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Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 1, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has refused to concur in Senate amendments to House Bill No. 202 and has requested the appointment of a conference committee to consider the differences between the two Houses.

The following have been appointed on the part of the House: Kirkpatrick, Johnson, McLellan, Jones, Etheredge.

The House refused to concur in Senate amendments to House Bill No. 67 and has requested the appointment of a conference committee to consider the differences between the two Houses.

The following have been appointed on the part of the House: Holt, Gregory, Lewis, Chambers, Gromatzky.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Conference Committee on Committee Substitute House Bill 202

Senator Taylor called up from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on C. S. H. B. No. 202 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate: Ashley, Aikin, Carney, Cousins and Taylor.

Conference Committee on House Bill 67

Senator Martin called up from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 67 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate: Bell, Martin, Corbin, McDonald and Bracewell.

Bills and Resolution Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following bills and resolution:

S. B. No. 45, A bill to be entitled "An Act to amend Article II, Section 2, House Bill No. 295, Acts of the 50th Legislature, relative to filing date of

applications; repealing all laws and parts of laws in conflict herewith; and declaring an emergency."

H. C. R. No. 32, Granting each House permission to adjourn from Thursday, February 24, 1949 until Monday, February 28, 1949.

H. B. No. 231, A bill to be entitled "An Act providing that wild fox may be taken or killed at any time in Robertson County and providing that the hides and pelts hereof may be sold, repealing all laws or parts of laws in conflict herewith and declaring an emergency."

H. B. No. 314, A bill to be entitled "An Act fixing an open season on buck deer, wild turkey and quail in McMullen County; repealing all laws in conflict therewith; fixing a penalty; and declaring an emergency."

H. B. No. 325, A bill to be entitled "An Act amending Article 880 of the Penal Code of the State of Texas, as amended by the Acts of the 45th Legislature, 1937, 2nd Called Session, Chapter 49, and as amended by the Acts of the 47th Legislature, 1941, Regular Session, Chapter 593, by adding thereto the Counties of Starr, Webb, and Zapata, and changing the provisions of the Act so as to permit trailing wounded deer with dogs; and declaring an emergency."

H. B. No. 149, A bill to be entitled "An Act to provide an open season for the hunting, taking or killing of wild deer in Jack County; providing a bag limit of two buck deer for each hunter during a season; fixing a penalty for the violation hereof; repealing all laws in conflict; and declaring an emergency."

H. B. No. 98, A bill to be entitled "An Act amending Section 1 of Chapter 72 of the Acts of the Fifth Called Session of the Forty-first Legislature, 1930, so as to provide an open season for squirrels in Runnels County; and declaring an emergency."

H. B. No. 94, A bill to be entitled "An Act amending House Bill 433, Acts of the 50th Legislature, Regular Session, 1947, Chapter 100, page 161, relating to open season for squirrels in the counties of Hopkins, Franklin and Delta, and declaring an emergency."

H. B. No. 61, A bill to be entitled "An Act amending Article 1302,

Chapter 1, Title 32 of the Revised Civil Statutes of Texas, 1925, by adding thereto a new subdivision to be known as 'Subdivision 108,' providing for the creation of private corporations for the purpose of owning, selling, repairing, leasing, or renting for hire and/or any other lawful purpose, phonographs, electrical music machines and coin operating vending machines used to dispense or vend merchandise, commodities, confections or music."

H. B. No. 215, A bill to be entitled "An Act to provide a closed season on wild deer in Limestone County for a period of five (5) years; prescribing a penalty; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 218, A bill to be entitled "An Act repealing all local or special laws in so far as they govern the taking or trapping of wild fox in Limestone County; and declaring an emergency."

H. B. No. 326, A bill to be entitled "An Act to provide a closed season on wild deer and wild turkey in Nolan County for a period of two years; prescribing a penalty; repealing all laws in conflict herewith and declaring an emergency."

H. B. No. 256, A bill to be entitled "An Act making it lawful to shoot Collared Peccary or Javelina in Jim Hogg County etc., and declaring an emergency."

Conference Report on Committee Substitute House Bill 202

Senator Taylor submitted the following report:

Austin, Texas,
March 1, 1949.

Hon. Allan Shivers, President of the Senate,

Hon. Durwood Manford, Speaker of the House of Representatives.

Sirs: We, your Conference Committee on C. S. H. B. No. 202, appointed by the President of the Senate and the Speaker of the House of Representatives respectively to adjust the differences between the two Houses, beg leave to report that we have adjusted the differences between

the Senate and the House, and recommend the passage of the bill in the form hereto attached.

KIRKPATRICK
McLELLAN
ETHEREDGE
JONES

On the Part of the House.

TAYLOR
COUSINS
AIKIN

On the Part of the Senate.

A BILL TO BE ENTITLED

"An Act making appropriation for an increase in salaries of State officials and State employees for the period beginning with the effective date of this Act and ending on August 31, 1949, supplementing the salaries designated and/or provided for in Senate Bills Nos. 374, 391, and House Bills Nos. 244, 295, Acts of the Regular Session of the Fiftieth Legislature; and declaring an emergency."

Be it enacted by the Legislature of The State of Texas:

Section 1. That there is hereby appropriated out of any moneys in the State Treasury not otherwise appropriated in the General Revenue Fund, or such Special Funds as are set out in Senate Bills No. 391, 374, and House Bills Nos. 244, 295, Acts of the Regular Session of the Fiftieth Legislature, an amount of moneys to increase the salaries of State officials and State employees designated and/or provided for in said Senate Bills No. 391, 374, and House Bills No. 244, 295 by fifteen per cent (15%) of all salaries and portions of all salaries up to and including Three Thousand Dollars (\$3,000).

It is the purpose of this appropriation to increase the current salaries of State officials and State employees holding positions as of the effective date of this Act, and who may hold such positions between said effective date and August 31, 1949, by the amounts above specified, supplementing the appropriations made and/or designated for such salaries by Senate Bills No. 391, 374, and House Bills No. 244, 295, Acts of the Regular Session of the Fiftieth Legislature, and that such increases shall be paid monthly from the effective date of this Act, until and including the

thirty-first day of August, 1949, after which time this appropriation law shall be non-operative. Provided, however, that these increases shall be based upon the salary schedule in effect at September 1, 1947, so that if certain salaries have been increased since said date, regardless of the source from which such increase may have been provided, the increase herein provided shall be limited to the difference between the scale herein provided and the increase in effect subsequent to September 1, 1947; and provided further that these increases shall not apply to any salary for any State official or employee fixed by the Constitution of this State.

The payment and disbursements of the funds provided for herein shall be governed by the same rules and riders as are contained herein and contained in Senate Bills No. 391, 374, and House Bills No. 244, 295, herein mentioned.

No increases shall be participated in by any of the State officials or employees on payrolls from funds other than State appropriations, wholly or in part, except that said increases may be paid ratably from State appropriated funds and the balance of said increases herein provided, if paid, shall come from such funds other than State appropriations. Provided further, that the increases hereunder are to be calculated on the basis of full-time employment; part-time salaries to be increased in the ratio they bear to like full-time employment.

An employee who receives a salary supplement from such other sources as set out in said Senate Bills No. 391, 374, and House Bills No. 244, 295 shall receive from the General Revenue Fund or such special Funds under this Act only such part of the increase provided herein as the ratio that his salary in said Senate Bills No. 391, 374, and House Bills No. 244, 295 bears to his total salary.

Sec. 2. The fact that there have been no adequate salary raises for State officials and State employees over the past several years; and the fact that many efficient State employees are leaving the State service for higher salaries in private industry, making it difficult to keep competent help in the various State Departments; and the fact that the late war conditions have so increased the cost of living that it is impossible

for the State employees, under present wage scales, to meet such increase in the cost of living; and the further fact of a crowded condition of the present calendar, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The report was read and was adopted by the following vote:

Yeas—28

Aikin	Kelly of Tarrant
Ashley	Lane
Bell	Lock
Bracewell	Martin
Bullock	McDonald
Colson	Moffett
Corbin	Morris
Cousins	Phillips
Hardeman	Proffer
Harris	Strauss
Hazlewood	Taylor
Hudson	Tynan
Jones	Vick
Kelley of Hidalgo	Weinert

Absent

Carney	Shofner
Moore	

House Bills on First Reading

The following bills received from the House today, were read severally first time and referred to the committees indicated:

H. B. No. 36, to Committee on Banking.

H. B. No. 64, to Committee on State Affairs.

H. B. No. 127, to Committee on Public Health.

H. B. No. 136, to Committee on Civil Jurisprudence.

H. B. No. 137, to Committee on Civil Jurisprudence.

H. B. No. 179, to Committee on Civil Jurisprudence.

H. B. No. 261, to Committee on Civil Jurisprudence.

H. B. No. 308, to Committee on Counties and County Boundaries.

H. B. No. 311, to Committee on Counties and County Boundaries.

H. B. No. 329, to Committee on State Affairs.

H. B. No. 339, to Committee on Counties and County Boundaries.

H. B. No. 376, to Committee on Game and Fish.

H. B. No. 381, to Committee on Counties and County Boundaries.

H. B. No. 414, to Committee on Game and Fish.

H. B. No. 418, to Committee on Counties and County Boundaries.

Messages from the Governor

A messenger from the Governor's office appeared at the bar of the Senate and being duly announced, presented the following messages from the Governor:

Austin, Texas,
March 1, 1949.

To the Members of the 51st
Legislature:

I understand that the State of Texas has the dubious distinction of leading the Nation in industrial accident fatalities, and that the number of such fatalities and of such accidents is increasing very rapidly.

The non-fatal injuries, including those that result in some permanent impairment, are distressingly high and amount to losses which run into millions of dollars.

Our continued industrial growth requires the focusing of our attention on the matter of providing for the safety and health of our industrial workers.

In the field of labor-management relations, it is recognized that no one factor is more conducive to industrial strife than unsafe and unhealthful working conditions and environment.

Losses which our industrialists experience because of incapacitated personnel, accidentally damaged equipment and material, suspended production, and increased casualty insurance rates is authoritatively established to be four times as great as compensation and medical costs of the average industrial accident.

Industry itself has made much progress in the field of industrial safety engineering and education, and practically all of the larger firms employ safety engineers. I am advised,

however, that the number of firms employing safety engineers probably does not exceed 5 per cent of the firms comprising Texas industry as a whole.

No one wishes to impose burdensome rules and regulations on private industry. Indeed, management should be protected from undue interference in the operation of business.

However, it is my feeling that management and labor and the general public will join enthusiastically in a reasonable program designed to reduce the number of industrial accidents in Texas. It is my hope that this program can be carried on largely through the processes of education.

I do suggest, however, that the Legislature give consideration at this time to the enactment of proper legislation to encourage industrial safety measures.

I understand that the Federal government is giving thought to the enactment of legislation of this character. It occurs to me that the States are quite competent to handle this matter themselves.

The records of the Industrial Accident Board show that 250,000 reports are received each year covering industrial accidents. This seems to me to present a problem which demands our best thought and well considered action.

Respectfully submitted,
BEAUFORD H. JESTER,
Governor of Texas.

Austin, Texas,
March 1, 1949.

To the Members of the 51st
Legislature:

As early as 1909, the Legislature of Texas—in its 31st Session—authorized State library services to communities, counties, rural areas, and regions of Texas. Again in 1919, the 36th Legislature further extended and strengthened this authority.

Appropriations to carry out these mandates have never been made and as a result we find Texas today lowest among the 48 States in its development of the library services so essential in a modern democratic society.

Texas has more people without access to library resources than any other State in the Union. I understand that 3,200,000 Texans or almost half of our population lack these essential services.

In my message to the 50th Legislature on January 28th, 1947, I called

attention to this unfortunate situation and recommended an adequate appropriation to the State Library and Historical Commission for library extension services, to serve particularly our rural areas and small communities.

Today more people than ever are denied these important services in Texas. I understand that steps to correct this condition will be recommended to the appropriate committees of the 51st Legislature, and I am confident that this matter will receive your most sympathetic attention.

Respectfully submitted,
BEAUFORD H. JESTER,
Governor of Texas.

Austin, Texas,
March 1, 1949.

To the Members of the 51st
Legislature:

One of the notable achievements of the 50th Legislature was the establishment of the Texas State University for Negroes.

The success of this institution during the past two years has been phenomenal.

A group of public-spirited citizens has served zealously and efficiently as members of the Board of Directors of the institution, and I think they are to be highly commended for the progress which has been made.

This Board has now advised me of the existence of several situations which serve to retard the progress and well-being of this institution, and at the request of the Board, I am submitting these matters to the Legislature as subjects for emergency legislation under the authority of Section 5, Article III of the Constitution.

In the first place, legislation is needed to authorize the Board of Directors to use fees collected from the students to supplement legislative appropriations in the manner now provided by the Legislature for all other State supported higher educational institutions of Texas.

Authority is also needed to authorize the issuance of bonds by the Board of Directors against which the revenues of dormitories and such other facilities built with funds obtained from the sale of said bonds is pledged, for the purpose of constructing dormitories and other buildings for the

school. Other State schools of higher education have such authorization.

The Board finds also that there is a very urgent need for an emergency appropriation of \$400,000 for the operation of the school for the remainder of the current fiscal year. The Board is submitting a complete justification of this request to the appropriate committees of the Legislature.

I am sure that the 51st Legislature will give these matters their most sympathetic consideration.

Respectfully submitted,
BEAUFORD H. JESTER,
Governor of Texas.

At Ease

On motion of Senator Taylor, the Senate at 1:15 o'clock p.m., agreed to stand at ease, subject to the call of the Chair.

The President pro tempore called the Senate to order at 3:35 o'clock p.m.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 1, 1949.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has adopted the Conference Committee Report on House Bill No. 202 by a vote of 134 ayes, 0 nays.

Respectfully submitted,
CLARENCE JONES,
Chief Clerk, House of Representatives.

Bill Signed

The President pro tempore signed in the presence of the Senate, after giving due notice thereof, the following enrolled bill:

C. S. H. B. No. 202, A bill to be entitled "An Act making an appropriation for an increase in salaries of State officials and State employees for the period beginning with the effective date of this Act and ending on August 31, 1949, supplementing the salaries designated and/or provided for in Senate Bills Nos. 374, 391 and House Bills Nos. 244, 295, Acts of the Regular Session of the Fiftieth Legislature; and declaring an emergency."

Message from the House

Hall of the House of Representatives,
Austin, Texas,
March 1, 1949.

Hon. Allan Shivers, President of the
Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

H. B. No. 53, A bill to be entitled "An Act providing for the incorporation of a rural high school district; authorizing the presentation of a petition to the county board; authorizing the county judge to call an election; authorizing the commissioners court to canvass an election and declare the results; authorizing the commissioners court to certify results of election provided for board of trustees; repealing all

conflicting laws; and declaring an emergency."

H. B. No. 408, A bill to be entitled "An Act creating Road District No. 4 of Coleman County, Texas, under authority of Article 3, Section 52 of the Constitution of Texas, for the purpose of the construction, maintenance and operation of macadamized, graveled or paved roads and turnpikes or in aid thereof etc.; and declaring an emergency."

S. C. R. No. 16, Relative to District Judges leaving the State of Texas, etc.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Adjournment

On motion of Senator Aikin, the Senate at 3:40 o'clock p.m., adjourned until 10:30 o'clock a.m. tomorrow.

In Memory of
John P. King

Senator Kelly of Tarrant offered the following resolution:

(Senate Resolution 54)

Whereas, On August 10, 1948, Texas lost one of its most outstanding citizens by the death, in the eighty-seventh year of his life, of John P. King, founder and Chairman of the Board of King Candy Company which manufactured the famous "King's Chocolates for American Queens"; and

Whereas, John P. King was born at Brenham, Washington County, Texas, on December 5, 1861, a son of Porter and Eudora (Bush) King, pioneers of Washington County; and

Whereas, He moved to Fort Worth with his parents when he was nine years of age and lived there the remainder of his life except for a short time on a farm in Tarrant County; and

Whereas, He was married to Lorena Blain who pre-deceased him in March of 1948, and to whom three sons were born; and

Whereas, He possessed strength of will, indomitable ambition, courage and vision, and the necessary caliber of brain which advanced him steadily until he was one of the leading business men of Fort Worth and Texas, and was recognized as an authority on political and civic matters; and

Whereas, He was a member of the Masonic Lodge and the Elks; and

Whereas, He served many persons in a long and useful life, acquired a wide acquaintance and endeared himself to those with whom he came in contact who respected him for his ability; now, therefore, be it

Resolved, That the Senate of the State of Texas extend to the three sons who survive him, Porter and Robert L. King of Fort Worth and Clinton King, an artist who lives in Taxco, Mexico, our sincere sympathy; that a page be set aside in the Journal as a memorial to him and that this resolution be printed thereon; and that an official copy of said resolution be sent to the three sons; and that when the Senate adjourns today it do so in his honor.

The resolution was read and was adopted.